D.B. CIVIL WRIT PETITION NO.3322/2006

Amit Khaksa
Vs.
Union of India and Others

DATE OF ORDER :: 13-02-2007

HON'BLE THE CHIEF JUSTICE SHRI S.N.JHA
HON'BLE SHRI JUSTICE MOHAMMAD RAFIQ

Shri P.N. Jatti, for the petitioner.

The dispute in this writ petition arising from the order of the Central Administrative Tribunal, Jaipur Bench dated 9.1.2002 in O.A.no.154/2001 relates to appointment on compassionate ground.

The petitioner filed application for appointment on compassionate ground on the death of his father in harness on 3.3.1997. On 8.3.2001 the claim was rejected by the Department on the ground that financial condition of the petitioner was not such as to justify appointment on compassionate ground. It was stated that on the death of petitioner's father, amount of Rs.1,46,433/- had been paid as terminal benefits and the family was receiving family pension at the rate Rs.1862/- per month.

The nature of compassionate appointment is well known. Such appointment is made to provide financial help to the bereaved family to mitigate the hardships caused

by sudden and premature death of the bread-earner. The Supreme Court in many cases, some of which were noticed by the Tribunal has held that compassionate appointment should be made only where the family cannot sustain itself without such appointment. Appointment on compassionate ground is basically an exception to the rule of equality under Article 16 of the Constitution. It has nevertheless been upheld as a token of recognition of the past services rendered by the deceased government servant. It has however been held that having regard to the object underlying, such an appointment should be made soon after or within reasonable time of the death. The Tribunal rejected the original application on 9.1.2002 whereas this writ petition was filed in this Court on 19.4.2006, that is, after over four years. In any case ten years have passed since the father of the petitioner died. Any direction for compassionate appointment now after 10 years would not be in consonance with Article 16 of the Constitution of India.

In the facts and circumstances, we are not inclined to interfere in the matter. The writ petition is dismissed.

[MOHAMMAD RAFIQ],J. **[S.N.JHA],CJ.**

Praveen